

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ANGELICA LOVE

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-cv-200-DPJ-FKB

NARDONE BROTHERS TRUCKING
COMPANY; CARMEN J. SABASINO,
INDIVIDUALLY and JOHN DOES 1-5

DEFENDANTS

NOTICE OF REMOVAL

COME NOW the Defendants, Nardone Brothers Trucking Company (“Nardone”) and Carmen J. Sabasino (“Sabasino”), through counsel, pursuant 28 USC Sections 1332, 1441, 1446 and other applicable law, and hereby file their Notice of Removal as follows:

1.

Plaintiff, Angelica Love (“Love”), commenced this civil action on or about 5/19/21 in the First Judicial District of the Circuit Court of Hinds County, MS, bearing Cause No. 25CI1:21:cv-00317-AHW. A true and correct copy of Love’s Complaint is attached hereto as Exh. “A”. Per the allegations of her Complaint, Love is a resident citizen of Hinds County, MS. Further, and as correctly noted in the Complaint, both Defendants are residents/citizens of the State of Pennsylvania.

2.

Although complete diversity of citizenship has existed between the parties since the commencement of this litigation, the same was not initially removable as Love and her counsel expressly denied that her damages exceeded the sum of \$75,000.00, exclusive of interest and costs, thereby initially precluding the exercise of federal court jurisdiction. See, Exh. “A,” p. 7, para. 17. However, on 4/1/22, Love and her counsel extended a settlement demand in the amount of

\$800,000.00 in full and final resolution of this matter, thus providing the necessary “other paper” so as to trigger the instant removal. See, April 1, 2022 Demand Letter, attached hereto as Exh. “B.”

3.

The Defendants’ removal of this matter from the Circuit Court of Hinds County, MS is both proper and timely as diversity of citizenship exists amongst the parties and the amount in controversy by Plaintiff’s own demand greatly exceeds the sum of \$75,000.00, exclusive of interest and costs. The “other paper,” i.e., Love’s \$800,000.00 settlement demand, was received less than 30 days prior to removal, and further, removal of this matter has been perfected within a year of the original commencement of this litigation. Because this litigation was originally commenced in the Circuit Court of Hinds County, MS, the Northern Division of the Southern District is the proper venue for this removed action.

4.

In further support of their removal, the Defendants have attached hereto true and correct copies of all process, pleadings and orders as set forth on the Circuit Court’s docket as of the date of this filing. See, Composite Exh. “C” attached hereto and incorporated herein by reference.

5.

Other grounds to be assigned.

WHEREFORE, PREMISES CONSIDERED, Nardone and Sabasino timely file the instant Notice of Removal and respectfully pray that this Court will proceed with the handling of this case as if the same had been initially commenced in this district and division and that no further proceedings transpire in the Circuit Court of Hinds County, MS-FJD, unless and until this case is

remanded thereto. These Defendants pray for such further or additional relief, whether legal or equitable, to which they may be entitled in the premises.

RESPECTFULLY SUBMITTED, this the 18th day of April, 2022.

NARDONE BROTHERS TRUCKING COMPANY
and CARMEN J. SABASINO

BY: /s/ Mark D. Morrison
Mark D. Morrison (MSB#9005)

WILLIAMS & ASSOCIATES

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing pleading was served by electronic mail and/or by placing said in the United States mail, postage prepaid, and properly addressed to the following:

J. Ashley Ogden, Esq.
Ogden & Associates, PLLC
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Hon. Zach Wallace
Circuit Clerk of Hinds County, MS
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Hon. Adrienne Wooten
Circuit Court Judge
Post Office Box 327
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wootenslawclerk@co.hinds.ms.us

This the 18th day of April, 2022.

/s/ Mark D. Morrison
Mark D. Morrison (MSB #9005)